

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**
Washington, DC 20554

In the Matter of:)	
)	
Telecommunications Carriers Eligible to Receive)	WC Docket No. 09-197
Universal Service Support)	
)	
Petition of DTC Cable, Inc. for Eligible)	
Telecommunications Carrier Status in the State of)	
New York)	

**PETITION FOR ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

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Consultant to DTC Cable, Inc.

July 2, 2018

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PETITION FOR ETC DESIGNATION OF DTC CABLE, INC.

Pursuant to Section 214(e)(6) of the Communications Act, as amended,¹ and Commission rules,² DTC Cable, Inc. (“DTC”) requests designations as an Eligible Telecommunications Carrier (“ETC”) status in the State of New York in all areas in which it has been awarded Connect America Fund (“CAF”) Phase II support via the New NY Broadband Program.³

I. INTRODUCTION AND SUMMARY

On January 31, 2018, the New York Broadband Program Office announced that DTC was awarded support to serve 1,383 locations in New York through a combination of private, state, and CAF support.⁴ DTC’s \$14 million project includes a combination of equity funding, a New York State grant and \$2,107,915 of federal CAF support. Under the terms of the FCC Order allocating unclaimed New York State CAF funding to the New York Broadband program, DTC’s receipt of the federal CAF support requires the company to be certified as an ETC and to meet the requirements imposed on such carriers including the offering of certain services as a

¹ 47 U.S.C. § 214(e)(6).

² See, e.g., 47 C.F.R. § 54.101(a), § 54.202

³ See *Connect America Fund, et al.*, Order, 32 FCC Rcd 968 (2017) (“*New York CAF Order*”).

⁴ See “Governor Cuomo Announces Round III of Nation-Leading New NY Broadband Program to Bring High-Speed Internet Access to All New Yorkers,” Press Release (Jan. 31, 2018) (“New York January 2018 Press Release”), <https://www.governor.ny.gov/news/governor-cuomo-announces-round-iii-nation-leading-new-ny-broadband-program-bring-high-speed>

common carrier, including telephone and lifeline services. At this time, DTC is seeking to limit its designation as an ETC designated-provider to those areas that it has been awarded CAF funding but may seek designation in additional areas should it be awarded future CAF funding or seek to serve Lifeline subscribers in areas not incorporated in this Petition. Grant of this Petition is in the public interest because it will allow DTC to bring high quality competitive services to subscribers, including those eligible for Lifeline services, in the communities in which it seeks ETC designation.

All inquiries concerning this application should be made to:

Jason Miller, VP/General Manager
DTC Cable Inc.
107 Main Street, Delhi, New York 13753
607-746-1500

Because it is required to receive ETC-designation within 180 days of receipt of a CAF award,⁵ DTC respectfully requests that it be granted ETC-designation without undue delay.

DTC Cable, Inc. is a New York company organized and registered in Delaware County. The address of the company is 107 Main St., Delhi, NY 13753. DTC is a provider of broadband, video, long distance, voice, and alarm services. DTC Cable is wholly owned by Delhi Telephone Company, an incumbent local service exchange provider serving the Delhi, NY community.

On August 10, 2017 DTC applied to the New York Broadband Program Office for funding to provide broadband services in exchanges served by TDS (Deposit Telephone), Frontier, and Verizon. In its application for funding, the company committed to meeting certain deployment milestones and, as a condition for receiving federal funding in the Verizon

⁵ 47 C.F.R. § 54.315(b)(5)

exchanges, is required to provide telecommunications and lifeline services and to obtain ETC designation within 180 days of its award.⁶

As discussed in detail below, the Commission has the authority to grant DTC ETC designation pursuant to Section 214(e)(6) and DTC meets all the statutory and regulatory requirements for such designation. Designation of DTC as an ETC to receive CAF support via the New NY Broadband Program will service the public interest by allowing DTC to receive support to serve the areas that it is obligated to serve pursuant to its New York award, thereby expanding the availability of advanced broadband and communications services to areas currently identified as underserved. A list of census blocks for which the company is seeking ETC designation is provided in **Exhibit 1** of this Application.

II. COMMISSION AUTHORITY FOR DESIGNATION AS AN ETC

Pursuant to Section 214(e)(6), the Commission may designate an ETC where the applicant “is not subject to the jurisdiction of a State commission.”⁷ Pursuant to letter dated June 27, 2018, the New York State Public Service affirmed that it lacks jurisdiction to issue ETC designation to DTC. That letter is included as **Attachment A** of this petition. Accordingly, DTC is submitting its request to the Commission and DTC requests that the Commission approve this petition without delay.

III. DTC QUALIFIES FOR DESIGNATION AS AN ETC

As described herein, DTC meets the requirements for designation as an ETC as established under the statute and FCC rules.

⁶ *New York CAF Order*, paragraph 59.

⁷ *See id.* § 214(e)(6).

1. DTC Will Provide Service as a Common Carrier

DTC will provide each of the services supported by the Federal High Cost Universal Service Program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Federal Communications Commission's rules. In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area. DTC will advertise and make available a "universal service" offering that includes all of the supported services for consumers in the designated service areas in New York. Accordingly, DTC certifies that it is a common carrier under 47 U.S.C. §§ 214(e)(1) and 214(e)(6) for purposes of ETC designation.

2. DTC Will Offer Services Supported by the Federal Universal Service Support Mechanisms

Pursuant to §54.101(a)(1), DTC will provide voice services that meet the following requirements:

- a. Voice-Grade Access to the Public Switched Network – DTC will provide voice-grade access, or its functional equivalent, to the public switched network. DTC will have the capability to originate and terminate local and long distance telephone service for all of its subscribers.
- b. Local Usage – DTC offers unlimited local calling to all of its subscribers.
- c. Access to Emergency Service – DTC will offer access to emergency service throughout its service area by dialing 911. Enhanced 911 ("E911"), which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is required if a public emergency service provider makes arrangements for the delivery of such information. Therefore, DTC meets the requirement to provide access to emergency service.

Pursuant to §54.101(a)(2), DTC will provide broadband services with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications

service, but excluding dial-up service. Company broadband speeds will meet or exceed FCC required speed and usage allowances for fixed broadband offerings.

Pursuant to §54.101(d), DTC will offer Lifeline service to Qualifying Low-income Consumers as required by the Commission's rules at all locations where it has been awarded support including toll blocking to meet the FCC's requirement.

3. MTC Will Provide Services Using Its Own Facilities

Pursuant to 54.201(d)(1) DTC states that it will offer the services that are supported by federal universal service support mechanisms using DTC's network infrastructure, consisting of switching, trunking, and network equipment, together with any expansions and enhancements to that network and in some instances the resale of other carriers' services as needed. DTC will have the ability and willingness to provide service throughout its designated service area. DTC intends to use its own facilities for last mile connections with its subscribers. Its lease of facilities provided by other wireline carriers is limited to the connection of its switch in Delhi with the public switched telephone network for the exchange of local and toll traffic. Specifically, DTC uses the inter-office network facilities leased from other providers, including the incumbent provider(s) in the service areas in which it seeks ETC designation, for traffic exchange, toll and international calling, and network diversity.

4. DTC Will Provide Service Throughout its Designated Service Area

DTC commits to provide the supported services throughout its designated service area consistent with applicable requirements. DTC's requested designation ETC service area is the area where it was awarded CAF support through the New NY Broadband Program.

5. DTC Will Advertise the Availability of Its ETC Required Service Offerings and Charges Using Media of General Distribution

Pursuant to §54.201(d)(2) DTC will advertise the availability of its ETC required service offerings, and the associated charges, using media of general distribution. The company will use these media, as necessary, to insure that consumers within its designated service area are fully informed of its services. As a locally owned provider of services in the very communities it serves, DTC is financially vested in its market and is uniquely capable of meeting the needs of that market.

6. DTC Meets the Additional Requirements for Designation as an ETC

Compliance with Applicable Service Requirements. Pursuant to §54.202(a)(1)(i) an affidavit supporting that DTC will comply with the service requirements applicable to the support that it receives in provided in **Exhibit 2** of this Application. DTC anticipates that it will receive \$ 2,107,915 from the CAF and \$9,190,530 from the New York Broadband Program Office to support its designated service areas. Its petition is made to give the company access to a full range of options for its subscribers by allowing the company to access federal funds for the stated intent.

Five-Year Plan. Pursuant to §54.202(a)(1)(ii) a five year plan detailing its intended operating areas including population estimates was provided in its application for funding from the New York Broadband program. Should the Commission require additional information of this plan be provided, DTC will do so upon request.

Ability to Remain Functional in an Emergency Situation. Pursuant to §54.202(a)(2) DTC states that it is capable of remaining functional in an emergency. DTC shares its ownership with Delhi Telephone Company, an incumbent local service provider in the LATA in which it seeks

designation. It utilizes the same disaster recovery plan for its competitive network as it does for its incumbent provider. Its equipment operates on a redundant basis and its network is, and will be, deployed on as diverse a route as financially practical. DTC states that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged ringed facilities, and is capable of managing traffic spikes resulting from emergency situations. To the extent that its services require commercial power at the customer premises, its end user equipment is deployed to support at a minimum, an 8-hour battery backup.

Consumer Protection and Service Quality Standards. Pursuant to §54.202(a)(3) DTC will satisfy consumer protection and service quality standards. DTC anticipates that its service quality and variety of offerings will be its primary sales advantage in its market. Accordingly, the company intends to meet or exceed service quality standards. DTC will adhere to all applicable state and federal laws regarding, but not limited to, consumer protection. As previously noted, DTC will share the same employees and procedures with its parent company, Delhi Telephone Company, and accordingly brings a level of experience that allows it to meet or exceed consumer standards.

IV. ETC DESIGNATION WILL ADVANCE THE PUBLIC INTEREST

DTC is seeking ETC designations in those areas which have been identified as lacking in suitable broadband options by the state of New York. By obtaining ETC designation, DTC will be eligible to receive both the New York and federal funds that it needs to successfully serve its target areas. Indeed, the receipt of federal funding is a critical requirement of its business model in its target areas,

DTC seeks ETC designation in the exchanges served by Verizon and is not seeking designation in any service areas operated by rural Incumbent Local Exchange Carriers (ILECs). In areas served by non-rural ILECs a finding of advancing the public interest is not required,⁸ however designation of DTC as an ETC would promote competition and facilitate the provision of advanced communications services and the use of innovative technologies to residents of these New York exchanges. Therefore, designation of DTC as an ETC will serve the public interest.

V. DTC CERTIFICATION OF THE DISPOSITION OF FEDERAL UNIVERSAL SERVICE FUNDING.

DTC certifies that it will use federal universal support “only for the provision, maintenance and upgrading of facilities and service for which the support is necessary” consistent with Section 254(e) of the Telecommunications Act of 1996. The Affidavit (attached hereto as **Exhibit 2** from Jason Miller certifies such and fully describes the telecommunications services DTC will offer.

VI. ANTI-DRUG ABUSE CERTIFICATION.

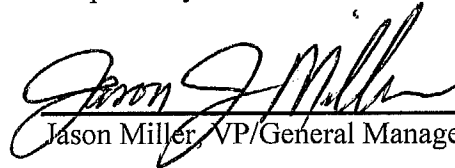
DTC certifies that no party to this Petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Federal Communications Commission’s rules, 47 C.F.R. §§ 1.2001-1.2003. *See Exhibit 2.*

⁸ 47 USC §54.201(c)

VII. CONCLUSION.

WHEREFORE, for the reasons set forth above, DTC respectfully requests that the Commission issue an order as soon as is practicable designating DTC as an Eligible Telecommunications Carrier throughout the service areas identified in this Application.

Respectfully submitted,



Jason Miller, VP/General Manager

Attachment A

Letter from the State of New York Regarding Jurisdiction



**Department of
Public Service**

Public Service Commission

John B. Rhodes
Chair and
Chief Executive Officer

Gregg C. Sayre
Diane X. Burman
James S. Alesi
Commissioners

Thomas Congdon
Deputy Chair and
Executive Deputy

Paul Agresta
General Counsel

Kathleen H. Burgess
Secretary

Three Empire State Plaza Albany, NY 12223-1350
www.dps.ny.gov

June 27, 2018

TO WHOM IT MAY CONCERN:

Re: DTC Cable, Inc. Broadband and Voice over Internet Protocol (VoIP)
Jurisdiction

We have received a request from DTC Cable, Inc., a provider of broadband and VoIP services, requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over broadband or VoIP services for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214(e)(6) of 47 U.S.C. At this time, the New York State Public Service Commission does not certify broadband or VoIP providers.

Consequently, based on the representation by DTC Cable, Inc. that it provides only broadband and VoIP services, it is not at this time subject to New York State Public Service Commission jurisdiction for the purpose of making a CETC designation.

Sincerely,

A handwritten signature in blue ink that reads "Debra LaBelle".

Debra LaBelle
Director
Office of Telecommunications

cc: Hon. Kathleen Burgess, Secretary
Ruvain Kudan, Office of Telecommunications
Graham Jesmer, Assistant Counsel

EXHIBIT 1
LIST OF CENSUS

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

DTC Cable Inc.	Southern Tier Region	Delaware	360259707001065
DTC Cable Inc.	Southern Tier Region	Delaware	360259707001075
DTC Cable Inc.	Southern Tier Region	Delaware	360259707001076
DTC Cable Inc.	Southern Tier Region	Delaware	360259707001088
DTC Cable Inc.	Southern Tier Region	Delaware	360259707001089
DTC Cable Inc.	Southern Tier Region	Delaware	360259707002050
DTC Cable Inc.	Southern Tier Region	Delaware	360259707002051
DTC Cable Inc.	Southern Tier Region	Delaware	360259707002055
DTC Cable Inc.	Southern Tier Region	Delaware	360259707002056
DTC Cable Inc.	Southern Tier Region	Delaware	360259708001004
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001038
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001042
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001043
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001061
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001073
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001078
DTC Cable Inc.	Southern Tier Region	Delaware	360259710001087
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DTC Cable Inc.	Southern Tier Region	Delaware	360259710001095
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002000
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002004
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002007
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002008
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002010
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002011
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002016
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002022
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002023
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002028
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002041
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002056
DTC Cable Inc.	Southern Tier Region	Delaware	360259710002057
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DTC Cable Inc.	Southern Tier Region	Delaware	360259710003076
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DTC Cable Inc.	Southern Tier Region	Delaware	360259710003079

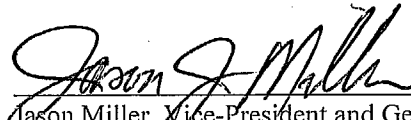
EXHIBIT 2

Declaration of Jason Miller

Declaration of Jason Miller

Pursuant to 47 C.F.R. § 1.16, I, Jason Miller, do declare under penalty of perjury the following is true and correct.

1. I am Jason Miller, Vice-President and General Manager DTC Cable, Inc. ("DTC"). The foregoing "Petition of DTC Cable, Inc. for Designation as an Eligible Telecommunications Carrier in the State of New York" has been prepared under my direction, supervision and control. The factual statements and representations contained therein are true and accurate to the best of my knowledge and belief.
2. DTC intends to obtain low income universal service support funding upon receipt of ETC designation and will use federal universal support only for the provision, maintenance and upgrading of facilities and services for which the support is necessary consistent with Section 254 (e) of the Telecommunications Act of 1996.
3. DTC will be capable of providing all of the service offerings required by and set forth in Section 214 (e) of the Communications Act of 1934, as amended, for "eligible telecommunications carriers."
4. Anti-Drug Abuse Certification: To the best of my knowledge, the applicant referred to in the foregoing Petition, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002 (b) of the Federal Communications Commission's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.



Jason Miller, Vice-President and General Manager
DTC Cable, Inc.

COUNTY OF Delaware)
STATE OF New York)

Subscribed and sworn to before me by Jason Miller on this 18 day of May, 2018.

NOTARY PUBLIC

Name Valerie Nichols
Signature Valerie Nichols
Commission expiration 2/1/20

VALERIE NICHOLS Notary Public, State of New York Registration #01NI6336233 Qualified In Delaware County Commission Expires Feb. 1, 2020
